

### REMARKS

With this amendment, Claims 1-39, 41-50, 73 and 76 are canceled, and Claims 40, 52, 74 and 77-79 are amended. Claims 40 and 51-72, 74-75 and 77-79 are thus presented for further Examination.

#### Objection to the Abstract

The Examiner objected to the abstract because the last two lines of the amended abstract gives the impression that the haptic is attachable to itself by way of cleats. Applicants have amended the abstract.

#### Obviousness-type Double Patenting

Applicants note that the provisional rejection of obviousness-type double patenting over Claims 1, 5-7, 16, 17, 19, 20, 22-24, 26, 27 and 36 of copending Application No. 10/056,971. Applicants will address the double patenting rejection when the conflicting claims have been patented.

#### Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 77 and 78 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,608,049 to Kelman. The Examiner has rejected Claims 77 and 78 under 35 U.S.C. § 102(b) as anticipated by EP Patent No. 1 138 282 to Kelman. The Examiner has rejected Claims 40, 48-53, 67, 68 and 79 under 35 U.S.C. § 102(b) as anticipated by FR Patent No. 2 784 575 to Hanna.

Applicants respectfully submit EP Patent No. 1 138 282 to Kelman is not prior art. EP '282 was published on October 4, 2001, which is after the invention date of the present application.

The cited art does not teach or suggest a two-part IOL having an optic, a haptic, a plurality of cleats on the haptic and a plurality of eyelets on the lens allowing said cleats to firmly attach to the optic, wherein the two-part IOL is configured to pass completely through a small incision without deforming the haptic, as presently claimed.

Appl. No.

:

09/631,576

Filed

:

August 4, 2000

In particular, Kelman '049 does not teach or suggest providing a plurality of cleats on a haptic, and a plurality of eyelets on the lens for attaching the haptic to the optic.

Hanna does not teach or suggest a non-deformable haptic.

Accordingly, Applicant maintains Claim 40 and 77-79 are patentable over Kelman, '049, Kelman '282 and Hanna. As Claims 48-72 and 74-76 are dependent on independent Claim 40, Claims 48-72 and 74-76 are patentable for at least these reasons.

Allowable subject matter

Applicant notes with appreciation the Examiner's indicated allowability of the subject matter of Claims 54, 55, 60, 62-66 and 69-72 if rewritten in independent form.

Appl. No.  
Filed

: 09/631,576  
: August 4, 2000

### CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims pursuant to statutory sections 102, 103 and/or 112, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, do not narrow the claims, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

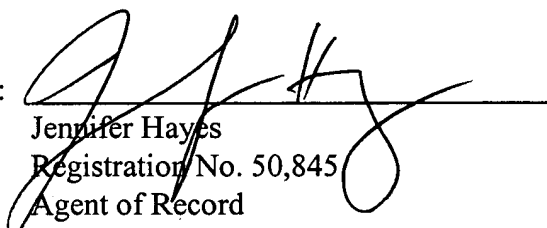
If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 9, 2003

By:   
Jennifer Hayes  
Registration No. 50,845  
Agent of Record  
Customer No. 20,995  
(619) 235-8550